

From: Chuck Turchick

Sent: Tuesday, April 18, 2017 3:39 PM

To: Melissa Wojnaroski

Cc: Hodges, Betsy A.; Archbold, Nicole L.; Yang, Blong; Gordon, Cam A.; Johnson, Barbara A. - City Council; Palmisano, Linea; Quincy, John; Reich, Kevin A.; Jaafar, Imani S.; Case, Jason; Office of Janee Harteau; Amy Crawford;

Subject: Re: Minnesota Advisory Committee -- Civil Rights and Police Practices in Minnesota

Dear Members of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights,

Regarding your March 21, 2017, public meeting on the topic of Civil Rights and Police Practices in Minnesota, I submit the following comments.

I believe Recommendation 1.3 of the [Final Report of The President's Task Force on 21st Century Policing](#), and Action Item 1.3.2 of that Report are the keys to relations between the community and the police. The Recommendation reads:

Law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy. This will help ensure decision making is understood and in accord with stated policy.

And the Action Item reads:

When serious incidents occur, including those involving alleged police misconduct, agencies should communicate with citizens and the media swiftly, openly, and neutrally, respecting areas where the law requires confidentiality.

The opening paragraph of the Report's Executive Summary has it right when it states:

Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.

Similarly for the first sentence of "Pillar One: Building Trust and Legitimacy":

Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve.

Recommendation 1.3 is correct in calling for a "culture of transparency." Without transparency, accountability and trust are fantasies. Transparency, in particular transparency regarding the handling of allegations of police misconduct, is the sine qua non of building community trust in the police.

As Chair Korbel well knows, transparency was lacking in creating the latest Minneapolis version of civilian oversight of allegations of police misconduct. The current oversight structure, which

replaced the previous Minneapolis Civilian Police Review Authority (CRA), was designed in secret, not even involving the members of the then-existing CRA Board, let alone the general public. Chair Korbel was the central person in that process. Although she has said she would do it differently today, many believe the well was poisoned. In part because of that secret design process, many have little faith in the current civilian oversight entities and procedures in Minneapolis.

Probably more important, Minnesota data practices laws (See [Minn. Stat., Chap. 13](#)) preclude any real transparency in the handling of complaints of police misconduct. Some states have much less stringent laws regarding the privacy of police officers. For example, the Atlanta Citizen Review Board has the discretion to hold public hearings regarding complaints against police officers, even with the possibility of the Board choosing to discuss cases in sessions open to the public. (Here is a link to its [Policies & Procedures Manual and Bylaws](#).) I have heard that Florida statutes allow for such similar openness.

Everyone claims they're for greater transparency. In Minneapolis, Police Chief Harteau's "MPD 2.0" model of policing is premised on "commitment, integrity, transparency." The promoters of the latest civilian oversight process in Minneapolis claimed it would bring more transparency. In discussions leading up to the adoption of body-worn cameras, even Lt. Bob Kroll, the president of the Police Officers' Federation of Minneapolis -- the city's police officers' union -- called for the utmost transparency and accessibility to the public of body camera footage.

Seemingly, when it comes to police accountability, "transparency" is the buzzword for all parties. But more often than not, the level of transparency needed to build public trust is deemed idealistic, if not fanciful. No one seems willing to call for the changes necessary to create transparency that is truly meaningful and consequential.

If Minneapolis and other cities in Minnesota are truly interested in "establish[ing] a culture of transparency and accountability" within our law enforcement agencies, we must seek to change the Minnesota Data Practices Act. Without that, we're spinning our wheels. Maybe an exception to treating complaints against officers differently from complaints against other public employees could be justified because 1) law enforcement officers are uniquely given the authority to use lethal force; and 2) community-police relations are at such a low point in this country and have often led to eruptions in our inner cities.

I believe the greatest possible transparency in the handling of complaints about police officers' conduct is an absolute key to building public trust in our police departments. Without such openness, the goal of improving community-policy relations is illusory. The "culture of transparency" cannot be a petri dish culture in the lab; it needs to exist in the real world. Changes in Minnesota's Data Practices Act is essential to achieving these goals. By itself, it may not be enough, but it is surely a pre-requisite.

I look forward to reading your report.

Sincerely yours,
Chuck Turchick